

HALIFAX BOARD OF SELECTMEN  
SELECTMEN MEETING  
TUESDAY, DECEMBER 9, 2014 - 6:30 P.M.  
SELECTMEN MEETING ROOM

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Meeting came to order at 6:30 P.M. with Selectmen Michael J. Schleiff, Kim R. Roy and Troy E. Garron present.

The following business was discussed:

**PLEDGE OF ALLEGIANCE**

The Board as well as those attending tonight's meeting stood to recite the Pledge of Allegiance.

**AGENDA**

The Agenda for Tuesday, December 9th was unanimously approved without revision.

Roy wanted to remind everyone that Holiday in Halifax is this coming Saturday.

**SCHEDULED APPOINTMENTS**

***Dave Ellis – MassAmerican Energy LLC***

Mr. Ellis came in this evening to present a solar proposal for the town buildings to get power from solar. He began by saying that solar has taken off over the last few years and within the last three years there has been many solar farms developed. He got into solar five years ago after a career change and a year ago formed the company Mass American Energy.

Attached is the hard copy of his presentation

Mr. Ellis' proposal is to build the solar farm on the top of the capped landfill on Hemlock lane and this site could cover 100% what the town is currently using for power. He explained that they cannot have any penetration on the landfill therefore will do a baluster system which will prevent water gathering on the landfill and leaching out. He added that the projection is modeled on 25-year system (roofs need to be replaced) but where are on a landfill it can last for 35 years.

Mr. Ellis explained page 8

A gentleman from the audience asked why in year 11 the REC's are \$158,342 then in year 15 drops to \$106,096 and then back up to \$141,553 in year 25. Mr. Ellis explained that in year 11 you are picking up 6 months of SRECs that were delayed.

Mr. Ellis explained page 13.

Bert Gaynor asked why there will be no SRECs in the first six months and who will pick them up for the first six months? Mr. Ellis stated that there is a six month delay and explained that the town is generating the SRECs and quarterly the State comes out and counts them. They then confirm then assign the SRECs

to your account then they are the town's. He added that they are turned into cash until the seventh month and said that the town has not lost any money it just that you don't get it until six months later.

Mr. Ellis explained page 8 regarding the annual lease payments.

Schleiff asked about start up costs and Mr. Ellis stated it is in the turnkey cost (page 11).

Schleiff thinks that they would like to talk with other communities who have done this. Mr. Ellis said that is a great idea and he can give us a list so that we can go out and see the systems and talk to people about their experience with it. He added that everyone he has done a system for has done the Option II Power Purchase Agreement (page 11), which you do not keep the SRECs. They own and operate the system for 25 years and the keep SRECs and the RECs and sell you power at 11.5 cents with a 1.9 % escalator (page 11 explains this).

Mr. Ellis suggests that the Halifax does Option I (page 8) where the town keeps the SREC's and REC's. Option II is saving money and Option I is making money. He said to look it over as it is a lot of information to absorb and he will come back to present again.

Roy asked if he was working with the town of Pembroke and Mr. Ellis said they are not but were involved in Haverhill, Ashburnham, West Boylston, Uxbridge, Marlborough and Hanson at the Middle School. All are looking at the tax lease. In closing Mr. Ellis thanked everyone for their time.

***Barry Gates – Renewal of Earth Removal Permit – 145 Monponsett Street***

At 7:05 p.m., the Board convened a public hearing to consider the application submitted by Barry Gates of Turkey Swamp Bog Realty Trust for the renewal of an Earth Removal Permit for the third time on property located at 145 Monponsett Street, (Assessors Map 84, Lot 17). The Board noted the hearing had been duly advertised and abutters notified and none were present at the hearing.

Present for the hearing was:

|   |           |
|---|-----------|
| Barry Gates/Turkey Swamp Bog Realty Trust | Applicant |
|---|-----------|

Schleiff read the hearing notice and letter from Webby Engineering Associates, Inc. Garron pointed out to Mr. Gates that he has been working on this project since December 2009 and Mr. Gates said that he has someone at this time eager to move the dirt because he is starting a job and needs it. Garron then asked if he was confident that the majority of the work will be done in a year and he said that he hopes so.

Schleiff said if the Board grants the permit and waives the necessity if renewing the permit between the expiration date of the last permit (12/8/12) and the start date of the new permit they should not see him again and Mr. Gates said he hopes not.

Mr. Gates is requesting that the Board waive the requirement that he renew the permit that expired on December 8, 2012.

Roy asked if the BOS has ever waived a request like this and Seelig no as they never had this situation. Garron did not see a loss to the town if they granted this request.

Roy was just concerned that it sets precedence for future earth removal requests but realizes that this particular instance it has been hard for Mr. Gates. Schleiff did not think they were setting precedence and that this is an individual case here where Mr. Gates had high hopes but the economy changed.

Mr. Gates said that the real estate market is picking up again and there now is the need for dirt and he has someone who wants it.

Moved by Garron and seconded by Roy, the Board unanimously voted to follow the recommendation of Webby Engineering Associates, Inc. to grant the waiver of the Zoning B-Laws to continue the permit at this point in time and to issue a new permit running from December 9, 2014 to December 9, 2015.

Schleiff mentioned that if it is getting close and thinks that he will not be done to come before the Board beforehand so that they will not have to go through this again.

Moved by Roy and seconded by Garron, the Board unanimously voted to close the hearing.

### ***Green Communities Presentation***

Seelig wanted to begin to thank all those who helped make this happen. Gerry Elliott was instrumental in making this work as he showed the audit firms around to the buildings and gave them any information they needed and. Others he wanted to thank was Building Inspector, Tom Millias, the school administration, School Committee and the Board of Selectmen and mentioned the approval of the stretch code at Town Meeting also helped make this happen. A lot of coordination between all involved and it took only one year to wrap this up. Roy then added that we never would have this without Seelig hard work. Roy pointed out that Pembroke has also been designated as a green community and it has taken them five years to complete the process and it has only taken us a year so she wanted to thank everyone who helped make this happen in such a short period of time.

The town will be getting \$154,200 from the State for energy conservation work (lighting, heating and insulation of windows) that we will be doing.

Seelig and Roy went into Boston to receive the town's certificate from the governor's administration as well as a plaque and signs stating "we are a green community" for the Highway Surveyor to place at the town lines. The town may be able to get more grant money besides this.

### ***Firefighter Robert Inglis – Swearing in***

Before swearing in Mr. Inglis Schleiff wanted to say a few words about the new 2014 Polaris which was donated by Local 3159 through fundraising and the help of the Country Club of Halifax, Liddell Brothers, Wes construction, Perewitz Cycle Fabrication. He is touched with all their hard work. Garron also thanked them for caring and taking the initiative. Roy said that the town is blessed to have a group take this on themselves and putting together a golf tournament is not an easy task and she too thanked them for taking your own personal time to do this.

Schleiff then wanted to say that Chief Broderick and the patrolmen started carrying Narcan in their cars about six months ago and there have been multiple calls on over-doses where it has been used. Garron said that it is said that we have to use it. Chief Viveiros sent a letter to the Board recognizing Chief Broderick and the members of the police department for their efforts to save lives in the town. Roy said kudos to the Chief for having his staff engage in this program.

Chief Viveiros then wanted to introduce Mr. Inglis to the Board of Selectmen. He began by saying that he has been with the department since 2011, has served multiple levels and he brings with him a wealth of information. He has been asked to fill in as a full timer, then stepped back down, then was called back to full time again, and now the chief is happy to have him come on full time for good.

***Revocation Hearings - Non Renewals for 2015 Licenses***

Seelig informed the Board that all licensees are on payment plans or out of arrears at this time there is no need to hold hearing(s).

**AFFIRMED COMMITMENTS AND WARRANTS**

Moved by Garron seconded by Roy, the Board unanimously affirmed approval for the payment of the following commitments and warrants with the exception of Schleiff abstaining from the Police Department payroll in warrant #43:

|                      |       |               |
|----------------------|-------|---------------|
| Payroll Warrant      | # 43  | \$ 357,323.90 |
| Vendor Warrant       | # 44  | \$ 246,776.40 |
| Withholding Warrant  | # 45  | \$ 132,734.30 |
| Ambulance Commitment | # 11B | \$ 13,508.51  |

**APPROVED COMMITMENTS AND WARRANTS**

Moved by Garron seconded by Roy, the Board unanimously approved payment of the following warrant:

|                      |      |               |
|----------------------|------|---------------|
| Vendor Warrant       | # 46 | \$ 530,450.06 |
| Mobile Home Park Fee | # 12 | \$ 5,160.00   |

Moved by Garron seconded by Roy, the Board unanimously approved payment of the following Selectmen bills:

|   |           |
|---|-----------|
| National Grid (Concession Stand).....                   | \$ 30.24  |
| National Grid (Town Hall).....                          | \$ 831.59 |
| Attorney Lawrence P. Mayo, P.C. (legal/November) .....  | \$ 975.00 |
| Epstein & August, LLP (legal/October).....              | \$ 710.80 |
| Beth Israel Deaconess Plymouth Occupational Health..... |           |
| (physicals/Littlefield & Ricciarelli).....              | \$ 768.00 |

The Board acknowledged payment of the Selectmen Office Payroll for the period ending November 29, 2014, in the amount of \$6,185.84.

The Board acknowledged payment to the Treasurer for the following turnovers:

| <u>TURNOVER</u> | <u>AMOUNT</u> |
|-----------------|---------------|
| 2015-46         | \$ 1,200.00   |
| 2015-47         | \$ 1,350.00   |
| 2015-48         | \$ 125.00     |
| 2015-49         | \$ 125.00     |
| 2015-50         | \$ 25.00      |
| 2015-51         | \$ 125.00     |

### **SCHEDULED APPOINTMENTS (CONTINUED)**

#### ***Police Chief Broderick – Future Hires***

Chief wanted to first inform the Board that his staff is available to administer Narcan. He continued to say that previously he had called for a part-time list and from that list he hired four. Two are in training, hopefully be the ones I bring up as they have already been through the academy and the other two are in the academy. He will have a recommendation to the Board for their next meeting (1/13). He also would like to get a couple of waivers so that he can fill the open slots as it will save on overtime and he said hopefully next year at this time we will be fully staffed which will be the first time in eleven years.

Seelig asked the Board if they wanted to interview them and Garron said he does not think so seeing as the BOS have previously done so. He stated that he is pleased that the Chief has positioned himself to have candidates trained so then they can be moved up. Roy thinks the chief did the department a good service by fill the PI so that he has a group to choose from.

The Chief said that he has a handful to choose from and the two he plans on moving up have worked out in the field, which has given him the chance to see how they are doing. If everything falls into place he may have them at the next meeting to be sworn in but if something should happened and he needs to meet before January 13<sup>th</sup> he will let Seelig know so something can be arranged

Roy thanked him for the great job he is doing and his plan in the hiring process. The chief said that his staff is killing themselves to make sure there is someone on the road. The Board asked the chief to relay to his staff that they are pleased with them.

#### ***Police Chief Broderick - Lakeville Shelter Agreement***

Chief Broderick said that he is not thrilled with the wording in the agreement and that maybe at a later time they can go over it and also said that the adoption policy needs to be put in writing, which is willing to do that. Seelig explained that Lakeville uses this agreement with other communities and they are not willing to change the language. He continued to say that there may be other facilities willing to do this or we can go with them.

Schleiff asked if Animal Control Officer working out good and the Chief said yes and said that the dogs that are not licensed will be summoned after Christmas. Schleiff then asked if everything was all set for Saturday (Holidays in Halifax) and he said yes and that he may not be there but Sgt. Benner and Sgt. Sterling will be on – two officers on at 4 p.m. and two more at 6 p.m.

**GENERAL MAIL / DISCUSSIONS**

Conservation Commission - Country Club

Resident, John Pesa, has requested that he would like a documented vote from the Conservation Commission stating that the stream at the end of Fairway Drive is a perennial stream and not an intermittent stream. Garron asked if the commission makes that decision or is it the State and Seelig said both. Seelig stated according to the State the stream is a perennial stream however a member of the Conservation Commission indicated it was an intermittent and there was no reversal of that statement during their meetings and the resident would like it on the record that the Commission has confirmed that it is a perennial stream. Roy said that the BOS confirmed in a letter to Conservation that that resident would prefer a document from them stating that nothing has been voted and that the fact it is perennial stream.

Monponsett Pond Jurisdiction

Seelig stated that the Board of Selectmen will continue to take leadership on issues connected with Monponsett Pond.

Nessralla Sign

The sign on the corner of Hemlock Lane and Plymouth Street is now in compliance.

Monponsett Pond – Lycott

Seelig is waiting to hear back about updates since the November 25<sup>th</sup> meeting Lycott had with the BOS.

Return of Closed Legal Cases

The office has received closed case files from the law office of Kopelman and Paige, P.C.

Town Report & Warrant Specs

The specs for the above were given to the Board to review before sending to Harding Press.

Salting at Commuter Railroad Crossings

MassDOT has sent a letter reminding the town to instruct crews and contractors to refrain from salting the area in the immediate vicinity of the tracks. Seelig cc'ed the Highway Department.

Mosquito Control Annual Budget Presentation

Plymouth County Mosquito Control Project will be holding an informational public meeting to present and discuss the district's preliminary proposed budget for FY2016 on December 16<sup>th</sup>. The proposed assessment for Halifax is up a tiny bit.

FEMA/Floodplain/Baker Street

There have been no changes in the map. Seelig will be working with the Building Inspector on this.

Senior Citizen Property Tax Work-Off Abatement

Barbara Brenton, COA Director, has asked about the possibility of the Town establishing an abatement program for seniors that would allow them to work off part of their property taxes. The Board has been given paperwork to review. This would have to be accepted at Town Meeting.

Chapter 90 Reimbursement

Moved by Garron and seconded by Roy, the Board unanimously voted to sign the Chapter 90 reimbursement request for the cold planning & reconstruction of Route 106.

Budget Forms

Budget forms were given to all departments Seelig will give a set to the Board.

Conservation Commission - Associate Member

The Conservation Commission wanted the Board of Selectmen aware that an application was sent in for an Associate member.

DEP - Country Club

The BOS was cc'ed on a letter from DEP to the engineer for the Country Club asking for more information on the design sheets. No action for the Town to take just information that we were cc'ed on.

Monponsett/Water District Commission

Seelig began by saying that the Commission had issued some a couple of orders for diversion one is that they have asked that the gates be opened at stump brook dam because of the rain events and the other is that they want any requests for diversion from the towns not be done without the commission approving it. Roy said that Paul Collis, President on the Monponsett Watershed Association and Jack O'Reilly from Plympton hold asset on the commission and Brockton can have a seat at the table but they have yet to appoint someone but are working on doing so.

Roy wanted to update Schleiff and Garron on the meeting she and Seelig attended yesterday with the water commissioners. She said it went okay and Seelig said that it is a starting point. Seelig did a presentation of where we are at, where we need to be and urged Brockton to be a participant in seeking out grants as they have not been as aggressive with participation as we had hope. Roy wanted the Board to know that Paul has informed her that West Monponsett Pond has received the highest advisories in the State. Roy said that they talked with Brockton and suggested that maybe they do a ban in the summer time as they never have done one and they stated they are going to think about it.

Seelig stated they we want to move back two months and end diversion on April 1<sup>st</sup> instead of June 1<sup>st</sup> because the bacteria starts growing in the spring and by ending the diversions on April 1<sup>st</sup> we reduce the bacteria going into East Monponsett pond but also if we have the natural circulation that also reduces the increase in the bacteria. Seelig intends to send a letter thanking them for meeting with them as this is the first time they have done this and say that they would like to meet with them again in February or March.

Common Victualler's License Location Transfer – Bella's Pizzeria

Moved by Roy and seconded by Garron, the Board unanimously voted to approve the transfer of Bella's Pizzeria - d/b/a Bella's Pizza & More Common Victualler's License from 319 Plymouth Street to 416 Plymouth Street and to approve the hours of 8:00 a.m. to 10:00 p.m., seven days a week.

Water Tower Project

The project will be re-bid in spring of 2015 with the construction anticipated in fall 2015.

Revolving Fund - Library

The library just wanted Board of Selectmen to be aware that they would like a new revolving fund established for fees for lost or damaged items plus fines. This will be a separate article that will go in the warrant after the list of continuing revolving funds.

Conservation Commission - Country Club

Moved by Roy and seconded by Garron, the Board unanimously voted to ask the Conservation Commission to confirm through a documented vote that the stream at the end of Fairway Drive is a perennial stream and not an intermittent stream.

Sale of Chapter 61A Land

Gunta Merrill, owner of property identified as Map 113 Lots 1 & 2 (priced at \$120,000 & \$65,000), has received an offer from a buyer to purchase these two lots. Ms. Merrill is requesting that the Town will not exercise the option to purchase the properties as provided in Chapter 61A. Seelig is checking with ConCom about any possible wetlands delineations and told the seller of the normal procedure about notifying the Boards and Committees for their input

Schleiff said that it was a nice lot and a good price and thought maybe for the Council on Aging. Seelig thought that it was a long way from other town services and the Housing Authority. Schleiff asked if there was any money in conservatory and Seelig said approximately \$85,000.

Emergency Preparedness Test Conference Call

Chief Viveiros would like to conduct a test conference call system on December 22<sup>nd</sup>. He has sent a list to Seelig with all the town officials/employees who will be involved.

Recycling Abatements

Selectmen Assistant stated that she called ABC disposal asking if their customers were recycling and the representative would not state yes or no. They offer the service but whether or not they use clear bag for their recyclables she could not say and they did not ask which customers do or don't. She was not going to give us a letter saying that they recycle. Garron said last time the letter was not specific that they were recycling and he just wanted a definitive answer that they use the service and he did not understand why they could not say either way as it is a State law that they need to do recycling as part of their business. He did not think that they were asking for anything unreasonable. Garron does not want to deny anyone the abatement if they are having it done but at the same time it is



only fair for those who have brought their requests before us and have given us something definitive and Roy agreed.

*Bill #2580*

The Board stated that they would like a more definitive answer from the private hauler that the resident is recycling on a weekly/monthly basis. The resident stopped by the office on December 8<sup>th</sup> and said that she would be at the Board's meeting this evening. The resident was not in the audience when the Board presented this abatement.

Moved by Garron and seconded by Roy, the Board unanimously voted to deny the abatement request for Recycling Bill #2580.

*Bill #1969*

At the Board's meeting on November 25<sup>th</sup> the Board stated that they would like a more definitive answer from the private hauler that the resident is recycling on a weekly/monthly basis. As of today the office has not heard back from the resident.

Moved by Garron and seconded by Roy, the Board unanimously voted to deny the abatement request for Recycling Bill #1969.

*Bill #1885*

At the Board's meeting on November 25<sup>th</sup> the Board stated that they would like a more definitive answer from the private hauler that the resident is recycling on a weekly/monthly basis. As of today the office has not heard back from the resident.

Moved by Garron and seconded by Roy, the Board unanimously voted to deny the abatement request for Recycling Bill #1885.

Last Drink Data

For the period of July 2014 – September 2014 no incidents involving Halifax venues were on the report.

Library Surplus Items

The Historical Commission did not want printer so it will be going to recycling.

Mayflower Municipal Health Group/Business Associate Agreement

Seelig is working on this.

Wetlands - Fieldstone Farms

Nothing has happened over the last several weeks. Seelig is waiting for and update.

Traffic Lights

Seelig is waiting for more information.

Randall/Hilliard Property Conservation Restriction

Town Counsel and Wildlands Trust are working on this.

Northland Cranberries/Land Transfer

The Department of Capital Asset Management is sending letters to the legislature for a fifteen day comment period.

EDSAT Presentation

This presentation will probably be in late February on an “off” Tuesday.

15 Ocean Avenue

The office has received a complaint from a resident on Ocean Ave stating that one of his neighbors is using the property at 15 Ocean Ave to store unregistered vehicles, a demolition derby car and a jet ski with a trailer. The case may be that the property owner has given permission to the neighbor to use his property but never the less Seelig will contact the property owner and will let them know the town’s by-laws regarding unregistered vehicles and the accumulation of junk.

Holidays in Halifax

Roy went through the day’s event.

2015 License Renewals

Moved by Garron and seconded by Roy, the Board unanimously voted to renew all licenses as printed on the list.

NOTE: list attached hereto and made an official part of these minutes

Board of Selectmen December 23<sup>rd</sup> Meeting

Garron stated that he would prefer not to meet on December 23<sup>rd</sup> but if they have to he will. Seelig suggested that they could meet on January 30<sup>th</sup> if need be.

Moved by Garron and seconded by Roy, the Board unanimously voted to cancel the meeting for December 23, 2014.

**MEETING ADJOURNED**

There being no further business, moved by Roy and seconded by Garron, the Board unanimously voted to adjourn the meeting at 9:23 p.m.

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Troy E. Garron  
Clerk

/pjm